



OCT 23 2002

MARSHALL O'TOOLE GERSTEIN MURRAY & BORUN  
6300 SEARS TOWER  
233 SOUTH WACKER DRIVE  
CHICAGO IL 60606-6402

In re Application of	:	
Patrick W. Gray	:	
Application No. 08/663,618	:	Three Week Letter
Filed: June 14, 1996	:	
For: Chitinase Materials And Methods	:	

A petition for access was filed by Andrew F. Nilles for access to the above-identified application on September 26, 2002.

The petition was not filed with proof of service upon applicant. Accordingly, a copy of the petition papers is enclosed.

A member of the public may be entitled to access if "special circumstances" are shown which warrant a grant of access under 35 U.S.C. § 122. See Manual of Patent Examining Procedure (MPEP), Section 103. The reliance upon the filing date under 35 U.S.C. § 120 of an application by a United States patent constitutes a special circumstance under 35 U.S.C. § 122 warranting that access to the common subject matter of the application may be granted. In re Dreyfus, 137 USPQ 475 (Comm'r Pat. 1961).

Petitioner urges and a review of U.S. Patent No. 6,372,212 reveals that the patent relies upon the filing date of the above-identified pending application under 35 U.S.C. § 120.

Applicant is hereby given THREE WEEKS from the date of this letter to file a copy of the common subject matter of the application. If applicant fails to respond within the three week period, petitioner may be allowed access to the entire application. See MPEP Section 103.

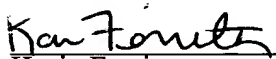
Any correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office Patent Legal Administration/Michael L. Lewis

By hand: Crystal Plaza 4, CP4-3C23  
2201 South Clark Place  
Arlington, VA

Telephone inquiries should be directed to Michael L. Lewis at (703) 306-5585.

  
Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Petition for access

cc: Andrew F. Nilles  
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